

COMMSOUTH Media Associates

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RM-8433

October 21, 1993

Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, D.C. 20554

Re: Petition to Amend FM Table of Assignments 73.202(b)
Addison, Alabama
Channel 289A

Dear Secretary:

Pursuant to Section 1.401 of the Federal Communications Commission's Rules, please find enclosed an original and four copies of the above styled Petition for Rulemaking on behalf of Dorsey E. Newman.

Please don't hesitate to call me should you have any questions or concerns about this matter.

Sincerely,



Kirk A. Tollett
Consultant to Dorsey E. Newman

***Prepared by:
Kirk A. Tollett
Commsouth Media
Associates
4001 Highway 78 East
Jasper, AL 35501***

***Prepared for:
Dorsey E. Newman
2213 Burningtrees Drive
Decatur, AL 35603***

Petition For Rulemaking

Addison, Alabama

October 21, 1993

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

| | | |
|---------------------------------|---|------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202 (b) |) | Docket No. _____ |
| Table of Assignments, |) | RM _____ |
| FM Broadcast Stations |) | |
| Addison, Alabama |) | |

To: Chief, Policy and Rules Division

PETITION FOR RULEMAKING

Dorsey E. Newman, (hereinafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, respectfully petitions the Commission to institute a rulemaking proceeding looking toward the assignment of FM Channel 289A to Addison, Alabama, and to amend Section 73.202(b) of the Commission's Rules as follows:

| | | |
|------------------|----------------|----------|
| City | Channel Number | |
| | Present | Proposed |
| Addison, Alabama | | 289A |

In support whereof the following is shown:

1. As reflected in the attached technical exhibit, prepared by Commsouth Media Associates, the requested assignment of FM Channel 289A at Addison, Alabama, can be made in full compliance with all applicable minimum mileage separations and other technical requirements under the Commission's Rules. Further, Channel 289A can be assigned to Addison, Alabama without any other changes in the Table of Assignments.

2. Addison, Alabama is an incorporated town located at the eastern end of Winston County. Addison has its own local government with an elected Mayor and Town Council, a local Police force as well as volunteer fire department.. Addison has its own bank, Post Office, as well as Elementary and High School. 1990 U.S. Census figures for the of the Town of Section was 676 persons. The 1990 Census figures for Jackson County were 22,053.

3. It is the long standing policy of the Commission as mandated by Congress to allow the most efficient use of available spectrum in order to advance the public interest, convenience, and necessity. There is no broadcast facility currently licensed to Addison, Alabama. Therefore, if adopted this proposal would provide first local service to the community of Addison, Alabama.

4. As can be ascertained from the attached declaration, if Channel 289A is allocated to Addison, Alabama, petitioner will promptly apply for a construction permit for the new FM broadcast station, and if a construction permit is granted, petitioner will promptly construct and operate the station for which she is licensed.

WHEREFORE, for the foregoing reasons, the Commission should amend Section 73.202(b) of its Rules by allocating FM Channel 289A to Addison, Alabama.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kirk A. Tollett', with a long horizontal flourish extending to the right.

Kirk A. Tollett
Consultant to Dorsey E. Newman

Commsouth Media Associates
4001 Highway 78 East
Jasper, AL 35501
(205)384-4656
October 21, 1993

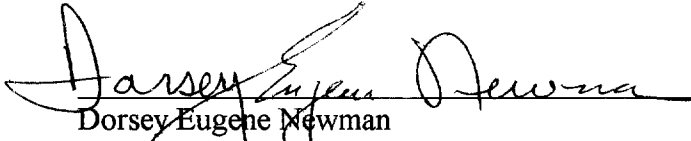
DECLARATION

I, Dorsey Eugene Newman, hereby certify that:

1. That I am a citizen of the United States and of the State of Alabama.
2. I am a petitioner requesting the Federal Communications Commission institute the appropriate Rulemaking to allocate FM Radio Channel 289A (105.7 MHz) to the Community of Addison, Alabama.
3. I have retained Kirk A. Tollett and Commsouth Media Associates to assist me in the preparation and filing of the required technical exhibits to facilitate the aforementioned rulemaking.
4. If FM Channel 289A or an equivalent channel is allocated to Addison, Alabama, I will promptly apply; either individually or as an entity of which I am a part, apply for a construction permit to operate the new FM broadcast station. If a construction permit is granted, I or an entity of which I am a part, will promptly construct and operate the station for which I am licensed.

I hereby certify under penalty of perjury that the above statement is true.

Signed and dated this 21 day of October, 1993


Dorsey Eugene Newman
2213 Burning Tree Drive
Decatur, Alabama 35603

E X H I B I T E

Prepared by:
Kirk A. Tollett
Commsouth Media
Associates
4001 Highway 78 East
Jasper, AL 35501

Prepared for:
Dorsey E. Newman
2213 Burningtree Drive
Decatur, AL 35603

Petition For Rulemaking

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E X H I B I T E

ENGINEERING STATEMENT

Dorsey E. Newman

Addison, Alabama

October, 1993

INTRODUCTION

This engineering exhibit has been prepared on behalf of Dorsey E. Newman, in support of a Petition for Rulemaking, requesting a change in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

| Location | Present | Proposed |
|------------------|---------|----------|
| Addison, Alabama | None | 289A |

As can be gleaned from the attached exhibits, Channel 289A can be added to the Federal Communications Commission Table of Assignments with out the necessity of any other changes and without the creation of any new preclusion area.

DISCUSSION

Figure 2 is a full scale reproduction of a portion of a U.S.G.S. 1:250,000 map entitled "Gadsden, Alabama". Upon it has been superimposed a cross mark which represents the coordinates utilized in the preparation of this Report.. The geographic coordinates selected for this study were:

N 34° 16' 00"

W 87° 04' 00"

This site is located approximately 13.2 kilometers Northwest of Addison, Alabama.

Figure 2, details the area of Addison and the pertinent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 miles of the proposed allocation. For purposes of demonstrating clearance, the present license of WTAK-FM on channel 291A and the allocation for WTAK-FM channel 291 C3 have been ignored. WTAK-FM has been granted a construction permit (BPH-930604IA) for a Class C3 facility which is fully spaced to this proposal. This station began operation pursuant to program test authority on October 16, 1993 and is anticipated to file FCC Form 302-FM within the required 10 days. Therefore, it is believed that there is ample clearance to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire Community of Addison.

Figure 1, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating the assignability of FM Channel 289A to Addison, Alabama. The information contained in Figure 1, was utilized in preparation of the pertinent arcs contained in Figure 2.

CONCLUSION

Based on this information, and the figures that are included in this Report, we believe that the proposed assignment would be in full compliance with the Federal Communications Commission's Rules, and that Channel 289A could be assigned to Addison, Alabama as that communities first local broadcast service.

Therefore, Dorsey E. Newman, respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the requested assignment.

Respectfully,



Kirk A. Tollett

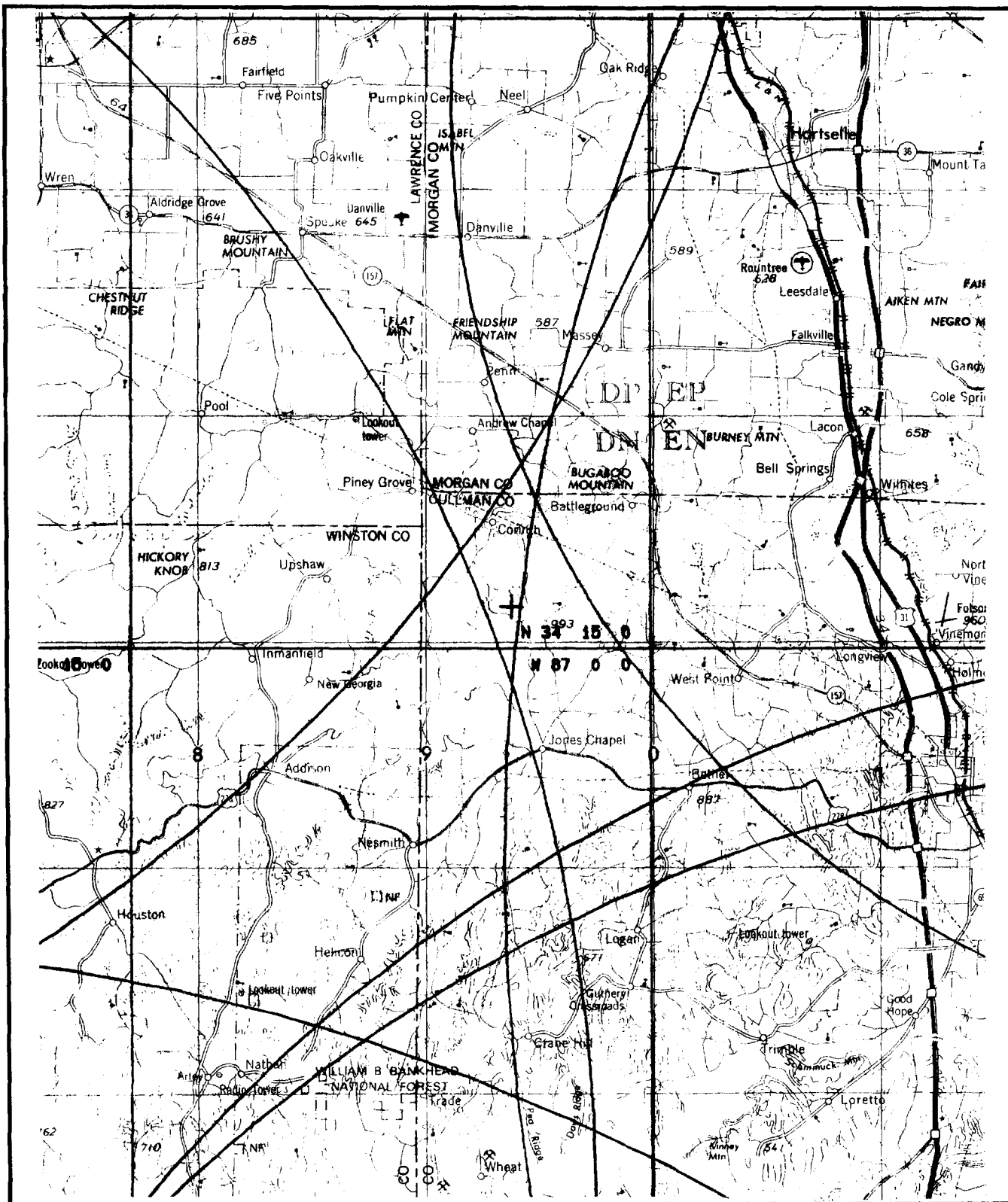
Consultant to Dorsey E. Newman

October 21, 1993

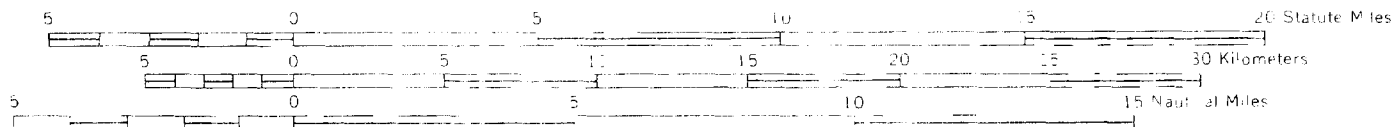
FIGURE 1
Dorsey E. Newman
FM search of channel 289A+ (105.7 MHz), at N. 34 16 0, W. 87 4 0.

| | | Searching Channel 289A+ (105.7 MHz): | | | | | | | |
|--------|----------------|--------------------------------------|-----|----|---|-------|-------|--------|-----------|
| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLEARANCE |
| ALC | Columbus | MS | 235 | C2 | U | 141.9 | 14.0 | 231.9° | 127.9 |
| WKORFM | Columbus | MS | 235 | C2 | C | 141.9 | 14.0 | 231.9° | 127.9 |
| ALC | Waynesboro | TN | 235 | C3 | U | 122.6 | 12.0 | 331.1° | 110.6 |
| WTNRFM | Waynesboro | TN | 235 | C3 | C | 122.6 | 12.0 | 331.1° | 110.6 |
| ALC | Huntsville | AL | 236 | C2 | U | 65.8 | 14.0 | 40.8° | 51.8 |
| WNDA | Huntsville | AL | 236 | C2 | L | 65.8 | 14.0 | 40.8° | 51.8 |
| ALC | Albertville | AL | 286 | C | U | 94.9 | 95.0 | 97.3° | -0.1 |
| WQSB | Albertville | AL | 286 | C | L | 94.9 | 95.0 | 97.3° | -0.1 |
| ALC | Waverly | TN | 286 | C2 | U | 195.2 | 55.0 | 343.6° | 140.2 |
| WVRY | Waverly | TN | 286 | C2 | L | 208.8 | 55.0 | 345.7° | 153.8 |
| NEW-T | Ardmore, etc. | AL | 287 | D | A | 80.3 | 0.0 | 16.0° | 80.3 |
| ALC | Aberdeen | MS | 287 | C3 | U | 124.1 | 42.0 | 247.5° | 82.1 |
| WWZQFM | Aberdeen | MS | 287 | C3 | A | 136.1 | 42.0 | 244.8° | 94.1 |
| WWZQFM | Aberdeen | MS | 287 | C3 | C | 145.4 | 42.0 | 249.6° | 103.4 |
| WWZQFM | Aberdeen | MS | 287 | A | L | 145.4 | 31.0 | 249.6° | 114.4 |
| W287AA | Lawrenceburg | TN | 287 | D | L | 109.3 | 0.0 | 347.8° | 109.3 |
| ALC | Tuscaloosa | AL | 288 | C3 | V | 108.8 | 89.0 | 197.9° | 19.8 |
| ALC | Muscle Shoals | AL | 288 | A | U | 74.8 | 72.0 | 307.1° | 2.8 |
| WACTFM | Tuscaloosa | AL | 288 | A | C | 129.3 | 72.0 | 200.5° | 57.3 |
| WACTFM | Tuscaloosa | AL | 288 | A | L | 129.3 | 72.0 | 200.5° | 57.3 |
| WLAYFM | Muscle Shoals | AL | 288 | A | L | 74.8 | 72.0 | 307.1° | 2.8 |
| ALC | Bowdon | GA | 288 | A | V | 183.1 | 72.0 | 118.4° | 111.1 |
| ALC | Rossville | GA | 288 | A | U | 187.5 | 72.0 | 62.5° | 115.5 |
| NEW | Bowdon | GA | 288 | A | A | 185.2 | 72.0 | 118.6° | 113.2 |
| NEW | Bowdon | GA | 288 | A | A | 185.3 | 72.0 | 118.6° | 113.3 |
| WLMXFM | Rossville | GA | 288 | A | L | 187.5 | 72.0 | 62.5° | 115.5 |
| WLMXFM | Rossville | GA | 288 | A | C | 185.5 | 72.0 | 63.1° | 113.5 |
| ALC | Selmer | TN | 288 | A | U | 181.2 | 72.0 | 305.7° | 109.2 |
| ALC | Fayetteville | TN | 288 | A | U | 105.3 | 72.0 | 25.1° | 33.3 |
| WSMTFM | Sparta | TN | 288 | A | L | 230.6 | 72.0 | 39.9° | 158.6 |
| WXOQ | Selmer | TN | 288 | A | D | 181.2 | 72.0 | 305.7° | 109.2 |
| WXOQ | Selmer | TN | 288 | A | L | 181.2 | 72.0 | 305.7° | 109.2 |
| WYTMFM | Fayetteville | TN | 288 | A | L | 105.3 | 72.0 | 25.1° | 33.3 |
| WYTMFM | Fayetteville | TN | 288 | A | C | 105.3 | 72.0 | 25.1° | 33.3 |
| ALC | Troy | AL | 289 | C | U | 267.7 | 226.0 | 161.6° | 41.7 |
| W289AC | Huntsville | AL | 289 | D | L | 71.6 | 0.0 | 43.1° | 71.6 |
| WZHT | Troy | AL | 289 | C | L | 267.7 | 226.0 | 161.6° | 41.7 |
| ALC | Canton | GA | 289 | C2 | U | 229.4 | 166.0 | 89.8° | 63.4 |
| WCHKFM | Canton | GA | 289 | C2 | L | 235.7 | 166.0 | 93.0° | 69.7 |
| ALC | Centre | AL | 290 | A | U | 126.0 | 72.0 | 95.7° | 54.0 |
| ALC | Winfield | AL | 290 | A | U | 76.1 | 72.0 | 237.1° | 4.1 |
| ALC | Trussville | AL | 290 | A | U | 83.3 | 72.0 | 151.3° | 11.3 |
| WKXMFM | Winfield | AL | 290 | A | L | 72.6 | 72.0 | 248.9° | 0.6 |
| WRHY | Centre | AL | 290 | A | L | 119.5 | 72.0 | 93.3° | 47.5 |
| WWIV | Trussville | AL | 290 | A | C | 85.2 | 72.0 | 156.8° | 13.2 |
| ALC | Memphis | TN | 290 | C | U | 271.0 | 165.0 | 291.3° | 106.0 |
| ALC | Nashville | TN | 290 | C | U | 197.2 | 165.0 | 5.8° | 32.2 |
| WGKX | Memphis | TN | 290 | C | L | 271.0 | 165.0 | 291.3° | 106.0 |
| WLACFM | Nashville | TN | 290 | C | L | 197.2 | 165.0 | 5.8° | 32.2 |
| ALC | Hartselle | AL | 291 | C3 | U | 38.9 | 42.0 | 58.0° | -3.1 |
| ALC | Alexander City | AL | 291 | C1 | U | 223.7 | 75.0 | 138.4° | 148.7 |
| WSTHFM | Alexander City | AL | 291 | C1 | L | 223.7 | 75.0 | 138.4° | 148.7 |
| WTAKFM | Hartselle | AL | 291 | A | C | 30.5 | 31.0 | 38.6° | -0.5 |
| WTAKFM | Hartselle | AL | 291 | C3 | C | 44.6 | 42.0 | 60.8° | 2.6 |
| ALC | Starkville | MS | 291 | C2 | U | 182.9 | 55.0 | 234.1° | 127.9 |
| WMXU | Starkville | MS | 291 | C2 | L | 182.6 | 55.0 | 233.8° | 127.6 |
| ALC | Sheffield | AL | 292 | C2 | U | 104.6 | 55.0 | 313.9° | 49.6 |
| NEW-T | Homewood, etc. | AL | 292 | D | A | 96.8 | 0.0 | 168.3° | 96.8 |
| WBTGFM | Sheffield | AL | 292 | A | L | 74.8 | 31.0 | 307.1° | 43.8 |
| WBTGFM | Sheffield | AL | 292 | C3 | C | 82.1 | 42.0 | 305.2° | 40.1 |

NEW-FM Addison, AL Channel 289A (105.7 MHz) N34° 16' 00" W87° 04' 00" Figure 2



Scale 1:250,000



CERTIFICATION

Kirk A. Tollett hereby certifies that;

He is owner of Commsouth Media Associates, a broadcast consulting firm based in Jasper, Alabama;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past:

That he has been retained by Dorsey E. Newman, for the purpose of developing technical exhibits and analyses for the instant filing;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

Signed and dated this 21st day of October, 1993



Kirk A. Tollett
Commsouth Media Associates
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Jasper, Alabama 35501
(205)384-4656